

85th Legislative Session – 2010

Committee: House Education

Friday, February 12, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Bolin
P Brunner
P Elliott
P Fargen
P Hamiel
P Hunt
E Killer
P Olson (Ryan)
P Schlekeway
P Sly
P Sorenson
P Thompson
P Vanneman
P Van Gerpen, Vice-Chair
P McLaughlin, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Ed McLaughlin, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 10, 2010

Moved by: Hunt
Second by: Sorenson
Action: Prevailed by voice vote.

HB 1247: provide for the establishment of school administration regions and to provide for the sharing of certain school administrators and school service specialists among school districts.

Presented by: Representative Jacqueline Sly (Handouts: #1)
Opponents: Jim Hutmacher, Mid Size Schools
Jim Hutmacher, SD Coalition of Schools
Wayne Lueders, Alliance for Education
Wayne Lueders, Associated School Boards of SD
Tom Oster, Secretary Department of Education
Dennis Champ, SD School Administrators

MOTION: AMEND HB 1247

1247ca

On page 1, line 10, of the printed bill, delete "one thousand" and insert "five hundred".

On page 1, line 12, delete "one thousand" and insert "five hundred".

On page 1, line 14, delete "one thousand" and insert "five hundred".

Moved by: Sly
Second by: Brunner
Action: Prevailed by voice vote.

MOTION: AMEND HB 1247

1247cb

On page 2, after line 1 of the printed bill, insert:

" After the secretary of education creates the school administration regions and provides notice of those regions to the school boards of all school districts, any school district adjoining a school district exempt from the provisions of this Act may, instead of joining the school administration region to which it was assigned, opt to have its administrative services and any other school services, as agreed upon by both districts, provided by employees of the adjoining exempt school district. Any such request for a reassignment, however, may only be made prior to the organization of the school administration region boards, and all requests shall be approved by the secretary. Once the reassignments are complete, the secretary shall redraw the boundaries of the school administration regions accordingly."

On page 2, delete lines 5 and 6.

On page 2, line 7, delete "region board".

On page 2, line 7, after "shall" insert ", to the extent practicable,".

On page 2, line 24, after "regions," insert "to establish policies relative to the formation of school administration region boards and the membership and voting requirements of those boards, to establish the process whereby a school district may opt to share the personnel of an adjoining exempt school district,".

Moved by: Sly
Second by: Vanneman
Action: Prevailed by voice vote.

MOTION: DEFER HB 1247 TO THE 41ST LEGISLATIVE DAY

Moved by: Fargen
Second by: Hamiel
Action: Prevailed by roll call vote. (11-3-1-0)

Voting Yes: Brunner, Elliott, Fargen, Hamiel, Hunt, Olson (Ryan), Schlekeway, Sorenson, Thompson, Vanneman, Van Gerpen

Voting No: Bolin, Sly, McLaughlin

Excused: Killer

HB 1188: restrict the use of minor adjustments to school district boundaries and to revise the application process for minor boundary changes.

Presented by: Representative Tim Rave (Handouts: #2)
Proponents: Dianna Miller, Large School Group
Opponents: Dick Tieszen, Sioux Falls School District

MOTION: AMEND HB 1188

1188ca

On the printed bill, delete everything after the enacting clause and insert:

"

Section 1. That § 13-6-85 be amended to read as follows:

13-6-85. A boundary change, affecting not more than two percent of the assessed valuation and not more than two percent of the tax-exempt acreage or other tax-exempt property to be determined at the discretion of the school district from which the area is to be taken, may be made upon an application for a boundary change to the school board of the school district from which the area is to be taken and to the school board of the school district to which the area is to be annexed. The area to be annexed shall include at least five single family or multifamily residential units or consist solely of land containing no residential units. If the area includes residential units, the application shall be in the form of a petition signed by at least sixty percent of the owners of land, excluding land owned by the state or any other political subdivision in the area to be transferred by the boundary change. If the area consists solely of land containing no residential units, the application shall be in the form of a petition signed by all of the owners of land, excluding land owned by the state or any other political subdivision in the area to be transferred by the boundary change. Copies of the petitions shall also be delivered by the petitioners to the board of county commissioners having jurisdiction over the school districts affected. Any petitioner who is aggrieved by a decision of the school board under this section may appeal that decision.

An appeal from the decision of the school board may be made to the circuit court in the time and manner specified by § 13-46-1 or to the secretary of the Department of Education or the secretary's representative within thirty days from the date of the decision of the school board by filing a notice with the secretary of the school board and mailing a copy of the notice to the secretary of the Department of Education. An appeal to the secretary of the Department of Education may be heard by the secretary or the secretary's representative. The secretary of the Department of Education shall thereafter set a time and place for the hearing and give at least ten days' written notice of the hearing to the parties involved in the appeal, including all affected school districts. An appeal to the secretary is not a contested case subject to chapter 1-26. An appeal from the decision of the secretary may be made pursuant to § 13-6-89. On appeal from a decision of the secretary, the appeal shall be heard and determined in the same manner as a direct appeal from the school board decision pursuant to § 13-6-89 and chapter 13-46 without any presumption of the correctness of the decision of the secretary nor may the provisions of § 1-26-36 be applied to the decision of the secretary. Nothing in this section affects the right of an aggrieved party to appeal from the decision of the school board to the circuit court."

Moved by: Sorenson
Second by: Brunner
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1188 AS AMENDED

Moved by: Brunner
Second by: Sorenson
Action: Prevailed by roll call vote. (13-0-2-0)

Voting Yes: Bolin, Brunner, Elliott, Fargen, Hamiel, Hunt, Schlekeway, Sly, Sorenson, Thompson, Vanneman, Van Gerpen, McLaughlin

Excused: Killer, Olson (Ryan)

HB 1219: provide for the transport of certain students to centrally designated distribution points.

Presented by: Representative Peggy Gibson

Proponents: Dianna Miller, Large School Group

Opponents: Charlie Flowers, SD Coalition of Schools
Charlie Flowers, Midsize Schools
Dick Tieszen, Sioux Falls School District
Wade Pogany, Department of Education

MOTION: DEFER HB 1219 TO THE 41ST LEGISLATIVE DAY

Moved by: Brunner

Second by: Fargen

Action: Prevailed by roll call vote. (13-1-1-0)

Voting Yes: Bolin, Brunner, Elliott, Fargen, Hamiel, Hunt, Olson (Ryan), Schlekeway, Sly, Sorenson, Vanneman, Van Gerpen, McLaughlin

Voting No: Thompson

Excused: Killer

HB 1238: exempt certain school districts from the requirement to reorganize due to low enrollment.

Presented by: Representative Jim Bolin (Handouts: #3)

Proponents: Larry Nelson, Greater Hoyt School District (Handouts: #4)

Greg Herren, Self, Akron, Iowa (Handouts: #5 & #6)

Mike Baker, Self, Akron, Iowa

Daniel Swartos, Self, Big Stone (Handouts: #7) Presented by Rep. Olson

Opponents: Tom Oster, Secretary Department of Education

MOTION: DO PASS HB 1238

Moved by: Bolin

Second by: Elliott

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1238 TO THE 41ST LEGISLATIVE DAY

Moved by: Brunner

Second by: Vanneman

Action: Prevailed by roll call vote. (11-3-1-0)

Voting Yes: Brunner, Hamiel, Hunt, Olson (Ryan), Schlekeway, Sly, Sorenson, Thompson, Vanneman, Van Gerpen, McLaughlin

Voting No: Bolin, Elliott, Fargen

Excused: Killer

HB 1232: repeal provisions allowing for the two-year averaging of a school district's fall enrollment for the purpose of calculating state aid to education.

THE CHAIR DEFERRED HB 1232 UNTIL FEBRUARY 17, 2010

MOTION: ADJOURN

Moved by: Hunt

Second by: Sly

Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary

Ed McLaughlin, Chair